

REMARKS

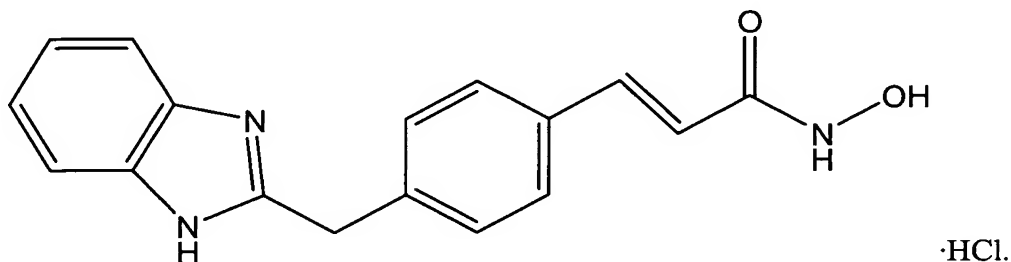
The Examiner is requiring restriction in the above-identified application as follows:

- Group I: Claims 1-15, 18-22, 25-29, 32-36 and 39, drawn to compounds and compositions; and
- Group II: Claims 16-17, 23-24, 30-31, and 37-38, drawn to methods of treating pathological conditions.

Additionally, if Group I is elected, an election of a single compound is further required by the Examiner.

Applicants have provisionally elected, with traverse, Group I: Claims 1-15, 18-22, 25-29, 32-36 and 39, drawn to compounds and compositions, for further prosecution.

Additionally, Applicants provisionally elect Compound E1 of Example 1:



Applicants traverse the Restriction Requirement on the grounds that a search of all the claims would not present an undue burden.

MPEP subsection 803 states:

If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Applicants respectfully submit that having to search all the claims would not impose a serious burden on the Office.

Applicants further note that MPEP §821.04 states:

Application No. 10/754,541

Reply to Restriction Requirement of November 29, 2005

If the Applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined.

Applicants respectfully submit that should the elected Group be found allowable, the non-elected process claims should be rejoined.

Applicants submit this application is now in condition for examination on the merits and early notification to that effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



Charles J. Andres, Jr., Ph.D.
Registration No. 57,537

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)